

**Amendments to the Claims:**

---

Please cancel claim 10 without prejudice.

Please amend claim 12.

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1.- 6. (Cancelled)

7. (Previously Presented) A method for eliciting or enhancing an immune response to HER-2/*neu* protein, comprising administering to a warm-blooded animal in an amount effective to elicit or enhance said response a nucleic acid molecule or a viral vector wherein the nucleic acid molecule or the viral vector directs the expression of a polypeptide encoded by a DNA sequence selected from:

(a) nucleotides 2026 through 3765 of SEQ ID NO:1; and

(b) DNA sequences that hybridize to a nucleotide sequence complementary to nucleotides 2026 through 3765 of SEQ ID NO:1 under moderately stringent conditions, wherein the DNA sequence encodes a polypeptide that produces an immune response to HER-2/*neu* protein and whose entire amino acid sequence is from HER-2/*neu* protein and which is at least approximately the same length as the polypeptide encoded by the DNA sequence of (a), with the proviso that the polypeptide of (b) is not intact HER-2/*neu* protein.

8. (Previously Presented) A method for eliciting or enhancing an immune response to HER-2/*neu* protein, comprising transfecting antigen presenting cells of a warm-blooded animal *ex vivo* with a nucleic acid molecule and subsequently delivering the transfected cells to the animal in an amount effective to elicit or enhance said response, wherein the nucleic acid molecule directs the expression of a polypeptide encoded by a DNA sequence selected from:

(a) nucleotides 2026 through 3765 of SEQ ID NO:1; and

(b) DNA sequences that hybridize to a nucleotide sequence complementary to nucleotides 2026 through 3765 of SEQ ID NO:1 under moderately stringent conditions, wherein the DNA sequence encodes a polypeptide that produces an immune response to HER-2/*neu* protein and whose entire amino acid sequence is from HER-2/*neu* protein and which is at least approximately the same length as the polypeptide encoded by the DNA sequence of (a), with the proviso that the polypeptide of (b) is not intact HER-2/*neu* protein.

9. (Previously Presented) A method for eliciting or enhancing an immune response to HER-2/*neu* protein, comprising infecting antigen presenting cells of a warm-blooded animal *ex vivo* with a viral vector and subsequently delivering the infected cells to the animal in an amount effective to elicit or enhance said response, wherein the viral vector directs the expression of a polypeptide encoded by a DNA sequence selected from:

(a) nucleotides 2026 through 3765 of SEQ ID NO:1; and

(b) DNA sequences that hybridize to a nucleotide sequence complementary to nucleotides 2026 through 3765 of SEQ ID NO:1 under moderately stringent conditions, wherein the DNA sequence encodes a polypeptide that produces an immune response to HER-2/*neu* protein and whose entire amino acid sequence is from HER-2/*neu* protein and which is at least approximately the same length as the polypeptide encoded by the DNA sequence of (a), with the proviso that the polypeptide of (b) is not intact HER-2/*neu* protein.

10. (Cancelled)

11. (Previously Presented) The method of any one of claims 7, 8 or 9, wherein the polypeptide has the amino acid sequence of SEQ ID NO:2 from amino acid 676 through amino acid 1255.

12. (Currently Amended) The method of ~~claim 10~~ any one of claims 7, 8 or 9,  
wherein the polypeptide is a fusion protein thereof with a peptide or polypeptide having  
immunogenic properties.